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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/547,700	05/22/2006	Cornelis Bleijendaal	5715	9168
26936 7590 05/03/2007 SHOEMAKER AND MATTARE, LTD 10 POST OFFICE ROAD - SUITE 110 SILVER SPRING, MD 20910				
			EXAMINER BOSWELL, CHRISTOPHER J	
			ART UNIT 3676	PAPER NUMBER
			MAIL DATE 05/03/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/547,700	Applicant(s) BLEIJENDAAL, CORNELIS	
	Examiner Christopher Boswell	Art Unit 3676	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 March 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 March 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-7, 9-10 and 12-14 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent Number 686,940 to Huscher.

Huscher discloses a bicycle lock for blocking a rotation of a crankshaft (2) of a bicycle, the bicycle lock being provided at the bottom in a saddle tube (1) of the bicycle close to the crankshaft, the bicycle lock comprising a lock housing accommodating a locking pin (B) and a locking mechanism (E), the locking mechanism being adapted to be operated by a key to be inserted through a hole (e') in the saddle tube, the locking mechanism being adapted to fix the locking pin in either of two positions (figure 2), wherein the locking pin in an upper position thereof releases the crankshaft and in a lower position thereof blocks the crankshaft (figure 2), an end of the locking pin (b) in the lower position thereof engaging a matching notch (3) in the crankshaft, the bicycle lock being provided with coupling means (x) which are adapted to interact with counter-coupling means being part of the saddle tube in order to have a detachable coupling between the lock housing and the saddle tube, the lock housing being coupled to the saddle tube by a rotating coupling (page 2, lines 56-61), the locking pin in the lower position

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thereof blocking the rotation of the coupling between the lock housing and the saddle tube (figure 2), as in claim 1.

Huscher also discloses the lock housing is fitted in the saddle tube by means of a threaded, a bayonet, or a V-groove connection (page 2, lines 56-61), as in claims 2-4, and the locking pin has an eccentric position in the lock housing (figure 4), as in claim 5, as well as the lower end of the locking pin is cylinder-shaped (page 1, lines 84-85) and catches in a cylinder-shaped notch (3) in the crankshaft, as in claim 6, and where the lower end of the locking pin is unrotatably catchable in a tangentially matching notch of the crankshaft (figure 2), as in claim 7.

Huscher further discloses the section of the lower end of the locking pin is rectangular (the cross sectional end of the locking pin is square in shape, figure 2), as in claims 9 and 10, wherein the locking pin comprises two parts (B and b) which are coupled to each other through a spring element (b4), as in claim 12, and the lock mechanism is a cross or a cylinder lock (E), as in claims 13 and 14.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 8 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Huscher, as applied above.

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Huscher discloses the claimed invention except for the shape of the locking pin being trapezium or hexagonal shaped. It would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize a trapezium or hexagonal shape in the locking pin, a change in the shape of a prior art device is a design consideration within the skill of the art. In re Daily, 357 F.2d 669, 149 USPQ 47 (CCPA 1966). Wherein the change of the shape of the locking pin is capable of achieving a more secure connection between the locking pin and the crankshaft, enabling a less vulnerable engagement.

Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Huscher, as applied above, in view of U.S. Patent Number 4,284,290 to Ragsdale.

Huscher discloses the invention substantially as claimed. However, Huscher does not disclose the bicycle lock including a catch system for fitting a cable bicycle lock. Ragsdale teaches of a bicycle lock having a catch system (43) for fitting an end of a cable bicycle lock (39 via 42) in the same field of endeavor for the purpose of locking the bicycle to a stationary object, preventing unauthorized removal of the bicycle. It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate a catch system, as taught by Ragsdale onto the bicycle frame of Huscher, where a cable bicycle lock could be attached in order to lock the bicycle to a stationary object, preventing unauthorized removal of the bicycle.

Response to Arguments

Applicant's arguments filed March 2, 2007 have been fully considered but they are not persuasive. Regarding the argument that Huscher does not disclose the lock housing being coupled to the saddle tube by a rotating coupling, the locking pin in the lower position thereof blocking the rotation of the coupling between the lock housing and the saddle tube, the examiner respectfully disagrees. Though the rotating coupling of Huscher does not function in the same manner as the current invention, it is a rotating coupling, as the key barrel is rotatable to actuate the lock pin as well as to functionally couple the lock housing to the saddle tube, as an unauthorized user would have to remove the key barrel before removing the lock housing. Wherein the key-barrel protruding through both the saddle tube and the lock housing, rotation between the two components is prevented when the locking pin is in the lower position as well as the upper position.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

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CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher Boswell whose telephone number is (571) 272-7054. The examiner can normally be reached on 9:00 - 4:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Glessner can be reached on (571) 272-6843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Christopher Boswell
Examiner
Art Unit 3676

CJB 
April 30, 2007


Suzanne Dino Barott
Primary Examiner